

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re Utility Application Of: Antony R. Shoaf
 Serial No: 10/035,277
 Filed: 03 January 2002
 For: ENDOSPORE DETECTOR AND METHOD
 Group Art Unit:
 Examiner:

PETITION FOR EARLIER FILING DATE UNDER 37 CFR §1.10

Box DAC
 Assistant Commissioner For Patents
 Washington, D.C. 20231

Sir:

This is a request for an earlier filing date for the above-identified patent application. The \$130.00 petition fee is enclosed. The facts pertaining to this request are as follows:

1. Petitioner executed the above-identified application on 19 November 2001 and the application, accompanying papers including transmittal form PTO/SB/05 (attached as Exhibit A) and a return postcard (attached as Exhibit B) were placed in an Express Mail envelope, Express Mail No. ET301406310US. The Express Mail envelope was then taken to the Post Office in Greensboro, North Carolina at approximately 3:00 P.M.

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on 19 November 2001 for mailing.

2. Upon arrival at the Greensboro Post Office, the Post Office refused acceptance of the Express Mail envelope stating that Express Mail was not now being delivered to the 20231 zip code.
3. The Express Mail envelope was left intact and then placed inside a larger, first class envelope with first class postage affixed while at the Post Office. The first class envelope was correctly addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231, and was then given to a Post Office employee for usual first class delivery.
4. On 14 January 2002 petitioner's return postcard (Exhibit B) was delivered demonstrating a filing date of 03 January 2002.
5. Due to the interruption in the Express Mail service, which was not caused by, or the fault of petitioner, petitioner hereby requests an earlier filing date, namely a filing date of 19 November 2001 for application serial No. 10/035,277.
6. Petitioner intended to receive a filing date of 19 November 2001 and took all prudent steps to receive

such by attempting to submit the application by Express Mail, as set forth under 37 CFR §1.10.

7. Accordingly, petitioner respectfully requests that the earlier filing date for the application now be granted and the petition fee be refunded.

Respectfully submitted,

By: Walter L. Beavers

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I do hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail ET495343684US in an envelope addressed to Box DAC, Assistant Commissioner For Patents, Washington, D.C. 20231, on this the 21st day of March, 2002.

Walter L. Beavers
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